

House File 2158 - Introduced

HOUSE FILE 2158

BY R. OLSON

A BILL FOR

1 An Act relating to deferred judgment records and associated
2 court-ordered obligations in a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.9, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. At the expiration of the period of probation if the
4 fees imposed under section 905.14 and court debt collected
5 pursuant to section 602.8107 have been paid, the court
6 shall order the discharge of the person from probation. If
7 portions of the court debt remain unpaid, the person shall
8 establish a payment plan with the clerk of the district
9 court or the county attorney prior to the discharge. The
10 court shall forward to the governor a recommendation for or
11 against restoration of citizenship rights to that person upon
12 discharge. A person who has been discharged from probation
13 shall no longer be held to answer for the person's offense.
14 Upon discharge from probation, if judgment has been deferred
15 under section 907.3, the court's criminal record with reference
16 to the deferred judgment shall be expunged. However, the
17 record shall not be expunged until the person has paid the
18 restitution, civil penalties, court costs, fines, fees, or
19 other financial obligations ordered by the court or assessed
20 by the clerk of the district court in the case that includes
21 the deferred judgment. The record maintained by the state
22 court administrator as required by section 907.4 shall not be
23 expunged. The court's record shall not be expunged in any
24 other circumstances unless authorized by law.

25 EXPLANATION

26 This bill relates to deferred judgment records and
27 associated court-ordered obligations in a criminal proceeding.

28 Under the bill, a person who receives a deferred judgment
29 shall not have the person's criminal record in the case
30 expunged until the person has paid the restitution, civil
31 penalties, court costs, fines, fees, or other financial
32 obligations in the deferred judgment case.

33 Under current law, a person who receives a deferred judgment
34 and who is discharged from probation shall have the criminal
35 record in the deferred judgment case expunged.

1 Under current law, a permanent record of a deferred
2 judgment is maintained for use of prosecutorial, judicial, and
3 correctional personnel only, pursuant to Code section 907.4,
4 even if the record is expunged, in order to determine if a
5 defendant has received a previous deferred judgment.